(2)

Docket No. 06-183

FILED
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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

ESTATE OF JOSEPHINE COSIO, et al.,
Petitioners,

v.

DENNIS F. ALVAREZ, et al.,
Respondents.

On Petition for Writ of Certiorari to the Eleventh Circuit Court of Appeals

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

Daniel S. Green, Esq.
Florida Bar No. 339430
ULLMAN, BURSA HOFFMAN
and RAGANO, L.L.C.
410 S. Ware Boulevard, Suite 1100
Tampa, Florida 33619
Phone (813) 739-1900
Facsimile (813) 739-1919
Counsel for Respondent,
Tampa Health Care Center

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Petitioners,

v.

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3. *Griffin v. Breckenridge*, 403 U.S. 88, 91 S.Ct. 1790 29 L.Ed.2d 338 (1971) 6, 7

4. *United Bd. Of Carpenters & Joiners, Local 610 v. Scott*, 463 U.S. 825, 103 S.Ct. 1352, 77 L.Ed.2d 1049 (1983) 7

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QUESTIONS PRESENTED FOR REVIEW

The question for this Honorable Court's review is whether Petitioner/Plaintiff properly stated a claim under 42 U.S.C. § 1985(3) against the respondents when the Second Amended Complaint failed to allege any racial or class-based animus or attendance or testimony in court as required by law.

LIST OF PARTIES TO THE PROCEEDING IN THE ELEVENTH CIRCUIT COURT OF APPEALS

The parties to the Eleventh Circuit Court of Appeals proceeding were Hon. Dennis F. Alvarez, Hon. Susan Sexton, Hon. Nick Ficarrotta, Jr., Hon. Ralph C. Stoddard, Leroy merkle, Jr., Esq., Tim Moran, Esq., Richard C. Minardi, Esq., Sherri Tish, Esq., Barbara Boyd Keithly, Guardian, Hon. Claudia R. Isom, Bala Rao, M.D., Cesar Ruiz, M.D., Sheila Coles, Social Worker, Tampa Health Center, Oswald Williams, M.D., John, Speech Therapist, Tampa Health Center [1], Ben, Fourth Floor Nurse, Tampa Health Center, Rene A. Boothby, M.D., St. Joseph's Hospital, Medical Examiner's Office, Nations Bank, and State of Florida Guardianship.[2]

---

[1] The Second Amended Complaint found at Petitioner's Appendix 9 unclearly states "last name identified" after John and Ben's names. Presumably, Petitioner intended to say "unidentified."

[2] Petitioner's Second Amended Complaint only alleges Counts against Hon. Dennis F. Alvarez, Leroy Merkle Jr., Esq., Barbara Boyd Keithly, Guardian, Tampa Health Center, Oswald Williams, M.D., and Rene A. Boothby, M.D. See Petitioner's Appendix at 10.

CORPORATE DISCLOSURE STATEMENT

Pursuant to SUP. CT. R. 29.6, Respondent, Tampa Health Care Center discloses its parent company and licensee as Beverly Health and Rehabilitation Services, Inc.

CITATIONS OF OFFICIAL AND UNOFFICIAL REPORTS

The opinion under review is found at Estate of *Cosio v. Alvarez*, Slip Copy, 2006 WL 1410041 (11th Cir., May 23, 2006). The District Court Order that the Eleventh Circuit affirmed is found at *Cosio v. Alvarez*, Slip Copy, 2006 WL 2484647 (M.D. Fla. Oct. 7, 2005).

This Court has already denied certiorari on one of the many lawsuits Petitioner filed in *Cosio v. Keithly*, -- U.S. --, 126 S.Ct. 1340, 164 L.Ed.2d 55 (2006). The Florida Supreme Court opinion that Petitioner sought to review at that time is located at *Cosio v. Keithly*, 907 So.2d 1170 (Fla. 2005). The Florida District Court of Appeal opinion that the Florida Supreme Court affirmed is *Cosio v. Keithly*, 889 So.2d 1017 (Fla. Dist. Ct. App. 2005).

BASIS FOR JURISDICTION

This Honorable Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1254 (2000) since this is an appeal from the Eleventh Circuit Court of Appeal.

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES AND REGULATIONS INVOLVED

Petitioner asserts that 42 U.S.C. § 1985(3) (2000) allows his cause of action. It states as follows:

(3) Depriving persons of rights or privileges

> If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of

having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

STATEMENT OF THE CASE

Petitioner's Petition for Writ of Certiorari is replete with misstatements of fact regarding the background of this case. The misstatements begin on Page 4 of the Petition where Petitioner states that "Respondent, Tampa Health, decided to no longer accept Josephine Cosio's partial payments through social security, Medicaid or Blue Cross/Blue Shield insurance pending full payment from Medicaid." In fact, Medicaid had completely denied benefits because Medicaid became aware of funds in accounts that Petitioner and Josephine Cosio held jointly. (Res. App. 1-4). This was communicated to Petitioner on May 26, 1995 by certified mail. (Res. App. 5). Tampa Health Care told Mr. Cosio that coordinating his mother's Medicaid eligibility was his responsibility on June 7, 1995. (Resp. App. 6). Partial payments were not being made to Tampa Health Care, and the facility cared for Ms. Cosio for several months without payment at all. *See id.* After the appointment of Barbara Boyd Keithly, Judge Alvarez determined that the assets contained in the joint accounts were in fact and law not Ms. Cosio's and her Medicaid benefits were reinstated. (Res. App. 7-11).

Tampa Health Care would also like to point out to this Court that Petitioner has two claims currently pending in the Thirteenth Judicial Circuit stemming from this residency. One is the remanded state law claim from federal court. The other is a common law negligence claim. The Defendants are Tampa Health Care Center, Barbara Boyd Keithly, and Leroy Merkle, Jr., Esq.

SUMMARY OF THE ARGUMENT

Respondent, Tampa Health Care Center, respectfully requests this Honorable Court to deny Petitioner's Petition for Writ of Certiorari. The Amended Complaint in the instant case completely fails to satisfy the pleadings requirements for a claim under 42 U.S.C. § 1985(3). While Petitioner is attempting to create a new federal tort action for mentally handicapped adults, the Amended Complaint fails to state that the alleged victim of the alleged conspiracy belongs to that class. Moreover, the Amended Complaint fails to allege the level of class-based animus necessary to sustain such a claim. Accordingly, this case should not be the one through which this Court extends 42 U.S.C. § 1985(3) as Petitioner claims.

This Respondent will more fully brief the issue of whether mentally handicapped adults are entitled to sue under 42 U.S.C. § 1985(3) should this Court grant certiorari.

ARGUMENT

A. Plaintiff Failed to State a Claim Under 42 U.S.C. § 1985(3).

The statute at issue states as follows:

(3) Depriving persons of rights or privileges

> If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

42 U.S.C. § 1985(3) (2000).

As this Court held in *Griffin v. Breckenridge*, 403 U.S. 88, 102, 91 S.Ct. 1790, 98, 29 L. Ed. 338 (1971), the statute

applies to conspiracies by private actors to deprive equality of rights of American citizens. This Court recognizes "the constitutional shoals that would lie in the path of interpreting § 1985(3) as a general federal tort law." *Bray v. Alexandria Womens' Health Clinic*, 506 U.S. 263 at 268, 113 S.Ct. 753 at 759, 122 L.Ed.2d 34 (1993) (quoting *Griffin*, 403 U.S. at 102, 91 S.Ct. at 1798). The position that Petitioner urges this Court to take falls squarely against this recognized peril.

In an effort to prevent overuse of the statute, this Court and Congress required "the kind of invidiously discriminatory motivation stressed by the sponsors of the limiting amendment." *Id.* This meant that a Plaintiff had to allege "racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action." *Id.*

In order to state a claim for liability under § 1985(3), as Petitioner properly states, one must allege (1) a conspiracy; (2) for purposes of depriving, either directly or indirectly, any person or class of persons to the equal protection of the laws; and (3) an act in furtherance of the conspiracy; (4) whereby a person is injured in his person or property or deprived of any right or privileges of a citizen of the United States. *See United Bd. of Carpenters & Joiners, Local 610 v. Scott*, 463 U.S. 825, 822-29, 103 S.Ct. 1352, 56, 77 L.Ed.2d 1049 (1983). The "animus requirement" requires not only "maliciously motivated, as opposed to ass[illegible]ly benign (though objectively invidious), discrimination. *Bray*, 506 U.S. 270, 113 S.Ct. at 760. It further requires the alleged conspirators to act with a purpose to

discriminate because of the class to which the victim belongs. *See id.* In other words, it is insufficient to simply allege a conspiracy against the member of a class. *See id.* A plaintiff must allege that the alleged conspirators acted because of the alleged victim's membership in the class. *See id.*

The Amended Complaint in the instant case fails to make the allegations necessary to state a claim, even if mental handicap is determined to be a protected class. Count XII alleges the 1985(3) claim against Respondents Tampa Health Care Center, Merkle, Boyd, Williams, M.D. and Boothby, M.D. It simply alleges:

> 169. Plaintiff, ESTATE, adopts and incorporates by reference paragraphs 1-145 above as though fully re-alleged herein.
>
> 170. Mrs. Cosio has a right to be free from deprivation of life and liberty without due process of law under the Fifth Amendment as made applicable to the states by the Fourteenth Amendment.
>
> 171. Mrs. Cosio has a fundamental privacy right to decide who her caretaker will be during her later years and has the right to be free of third parties taking those decisions from her upon her incapacitation.
>
> 172. 42 U.S.C § 1985 provides for a cause of action when two or more persons conspire to deprive, either directly or indirectly, that individual from their constitutional rights.
>
> 173. Mrs. Cosio designation (sic) her son, Plaintiff, COSIO, as her lawful caretaker prior to her incapacitation and Florida law upholds the

preference of family members being designated guardians upon incapacitation.

174. Defendant (sic), MERKLE, BOYD, TAMPA HEALTH, DR. WILLIAMS, and DR. BOOTHBY have conspired to defeat Mrs. Cosio's state and federal rights by inappropriately and unlawfully denying her health care, therapy and testing that she needed during her tenure as a resident of TAMPA HEALTH.

175. DR. BOOTHBY refused to provide critical treatment at the threat of litigation by Defendants, MERKLE and BOYD.

176. As a direct result of Defendant (sic), MERKLE, BOYD, TAMPA HEALTH DR. WILLIAMS and DR. BOOTHBY, concerted actions, taken in deliberate and knowing indifference to Mrs. Cosio's constitutional rights, Mrs. Cosio suffered irreparable harm by the wholesale deprivations of her liberties.

In no place does the Count allege that Mrs. Cosio is a member of a protected class other than incapacitated people who desire to designate family members to make decisions for them. The Count also fails to state that the allegedly wrongful acts were done with the purposeful intent to take those acts because of Mrs. Cosio's belonging to any protected class. Accordingly, this is Count does not come remotely close to stating a claim under 42 U.S.C. § 1985(3) and certainly warranted dismissal.

This Respondent will fully address the issue of whether Mrs. Cosio belonged to a protected class should this Honorable Court grant certiorari. This Respondent, however, strongly

argues that this Court should deny the Petition based on the meager allegations in the case before it.

CONCLUSION

For the foregoing reasons, Respondent, Tampa Health Care Center, respectfully requests this Honorable Court to deny the Petition for Writ of Certiorari.

Respectfully Submitted,

/s/

Daniel S. Green, Esq.
Fla. Bar No. 339430
ULLMAN, BURSA HOFFMAN
and RAGANO, L.L.C.
410 S. Ware Boulevard, Suite 1100
Tampa, Florida 33619
Phone (813) 739-1900
Facsimile (813) 739-1919
Counsel for Respondent,
Tampa Health Care Center

NOTARIZED AFFIDAVIT OR DECLARATION IN COMPLIANCE WITH 28 U.S.C. § 1746(2) AND SUPREME COURT RULE 29(c)

I HEREBY CERTIFY, that three (3) true and correct copies of this Brief in Opposition to Petition for Writ of Certiorari were sent via U.S. Mail on September 5, 2006 to the following:

Richard E. Wolfe, Esq.
3035 5th Avenue North
St. Petersburg, Florida 33713

Leroy Merkle, Esq.
1207 North Franklin Street #202
Tampa, Florida 33601

Brad Bole, Esq.
Rahdert, Steele, Bole and Reynolds
535 Central Ave
Saint Petersburg Florida 33701

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 5th ,2006.

/s/

Daniel S. Green, Esq.
Fla. Bar No. 339430
ULLMAN, BURSA HOFFMAN
and RAGANO, L.L.C.
410 S. Ware Boulevard, Suite 1100
Tampa, Florida 33619
Phone (813) 739-1900
Facsimile (813) 739-1919
Counsel for Respondent,
Tampa Health Care Center

STATE OF FLORIDA

HILLSBOROUGH COUNTY

BEFORE ME, the undersigned authority, personally appeared Daniel S. Green, who is personally known to me, and who did take an oath, and deposes and says the foregoing is true and correct in all respects.

SWORN TO AND SUBSCRIBED before me, this 5th day of September, 2006.

/s/

Jennifer C. Schoppman
NOTARY PUBLIC,
State of Florida
At Large

My Commission Expires:

STATE OF FLORIDA
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

RETURN ADDRESS
HEALTH & REHAB SERVICES
3402 W COLUMBUS DR
TAMPA FL 33607

NOTICE OF CASE ACTION

WORKER
CANDICE A RENDZIO

PHONE: (813) 871-7507
MAILING DATE 02/01/1995

MAILING ADDRESS

JOSEPHINE A COSIO
2916 HABANA WAY
TPA.HEALTH CARE CTR.
TPA. FL 33614

PAYEE-NAME: JOSEPHINE A COSIO
CASE: 1052117201

Dear JOSEPHINE A COSIO:

-01-
1052117201 NS 01
Your MEDICALLY NEEDY
APPLICATION dated 11/15/94 has been denied as of 01/31/95.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147

Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

-01-
1052117201 NS 01
Your MEDICALLY NEEDY
APPLICATION dated 11/15/94 has been denied for the month of 02/95.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147
Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

JAC-001-000101

Continued on page 2

AE01

0037839

JOSEPHINE A COSIO	02/01/1995 1052117201

01
1052117201 NS 01
Your MEDICALLY NEEDY
APPLICATION dated 11/15/94 has been denied for the month of 01/95.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147
Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

01
1052117201 NS 01
Your MEDICALLY NEEDY
APPLICATION dated 11/15/94 has been denied for the month of 12/94.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147
Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

01
1052117201 NS 01
Your MEDICALLY NEEDY
APPLICATION dated 11/15/94 has been denied for the month of 11/94.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147
Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

JAC-001-000102

Continued on page 3

JOSEPHINE A COSIO	02/01/1995 1052117201

01
1052117201 QMB 01
Your **QUALIFIED MEDICARE BENEFICIARY**
APPLICATION dated 11/15/94 has been denied as of 01/31/95.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147

Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

01
1052117201 QMB 01
Your QUALIFIED MEDICARE BENEFICIARY
APPLICATION dated 11/15/94 has been denied for the month of 02/95.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147
Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

01
1052117201 QMB 01
Your QUALIFIED MEDICARE BENEFICIARY
APPLICATION dated 11/15/94 has been denied for the month of 01/95.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147
Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

JAC-001-000103

Continued on page 4

JOSEPHINE A COSIO	02/01/1995 1052117201

01
1052117201 QMB 01
Your QUALIFIED MEDICARE BENEFICIARY
APPLICATION dated 11/15/94 has been denied for the month of 12/94.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147
Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

01
1052117201 QMB 01
Your QUALIFIED MEDICARE BENEFICIARY
APPLICATION dated 11/15/94 has been denied for the month of 11/94.

The following individuals are members of this assistance group:

JOSEP C (INELIGIBLE)

Reason: ASSET'S VALUE EXCEEDS PROGRAM ELIGIBILITY LIMITS
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.0147
Reason: FAILURE TO COOPERATE IN ESTABLISHING ELIGIBILITY
The law supporting this action is contained in the
Florida Administrative Code, Sections 10C8.019

If you think that this action is incorrect, your worker or your worker's supervisor will be glad to discuss it with you. You also have the right to ask for a hearing before a state hearings officer. If you want a hearing, you must ask for the hearing within 90 days from the mailing date at the top of this notice. You can bring with you or be represented at the hearing by anyone you choose, such as a lawyer, relative or friend. You can ask for a hearing by writing, calling or coming into the office. If you need information about how to get free legal advice, contact your worker. If you receive food stamps you can also call toll free 1-800-342-9274 for a listing of free legal organizations in your area.

We will consider your eligibility for assistance without regard to race, color, sex, age, disability, religion, national origin, political belief, or marital status.

You must report changes in your household's circumstances within 10 days.

JAC-001-000104

BEVERLY
ENTERPRISES

May 26, 1995

Mr. Carl Cosio
3910 Dartmouth
Tampa, Fl. 33603

RE: Account for Josephine Cosio

Dear Mr. Cosio:

We have learned that Medicaid for Mrs. Cosio will not be approved because of her assets.

We will change her status to private pay from November 17, 1994 to the present.

The total bill through June 30, 1995 is $20,491.89. After deducting the amount paid from her social security checks, the balance due is $17,286.37. An itemized statement is enclosed.

We will expect your payment in full by June 15, 1995 or we will take legal action immediately.

Sincerely,

Johnnie D. Gonzalez,
Administrator

cc: Beverly Enterprises Legal Department

JAC-001-000145

TAMPA HEALTH CARE CENTER
2916 Habana Way • Tampa, FL 33614 • (813) 878-3141

BEVERLY
ENTERPRISES

June 7, 1995

Mr. Carl Cosio
3910 Dartmouth Ave. N.
Tampa, Fl. 33603

Dear Mr. Cosio:

I am in receipt of your letter dated June 5, 1995, however it is your responsibility to work with HRS to get approval for your mother's medicaid.

The balance due on your mother's account is $16,791.37. Please remit by 6-15-95.

Sincerely,

Johnnie D. Gonzalez,
Administrator

cc: Beverly Enterprises Legal Department

This is a copy of a certified letter mailed to you on June 7, 1995. The letter was returned because you did not pick it up.

Lilia Cox, Bus. mgr.

JAC-001-000158

TAMPA HEALTH CARE CENTER
2916 Habana Way • Tampa, FL 33614 • (813) 876-5141

BEVERLY
ENTERPRISES

ACKNOWLEDGEMENT

I/we have been informed by Tampa Health Care to contact the local HRS office for possible Medicaid eligibility Tampa Health assumes no responsibility for approval or denial of Medicaid application.

Barbara Boyd, Gdn 11/17/95

RESIDENT/AGENT/LEGAL REPRESENTATIVE DATE

David E. Hinton 11-17-95

FACILITY REPRESENTATIVE DATE

JAC-001-000202

TAMPA HEALTH CARE CENTER
2916 Habana Way • Tampa, FL 33614 • (813) 876-5141

STATE OF FLORIDA
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

RETURN ADDRESS
HEALTH & REHAB SERVICES
3402 W COLUMBUS DR
TAMPA FL 33607

NOTICE OF CASE ACTION

WORKER
ELBA SANCHEZ

PHONE: (813) 871-7387
MAILING DATE 01/18/1996

MAILING ADDRESS

TAMPA HEALTH CARE CTR
2916 HABANA WA
TAMPA FL 336140000

PAYEE-NAME: JOSEPHINE A COSIO
CASE: 1052117201

Dear JOSEPHINE A COSIO:

AC
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID APPLICATION dated 01/08/96 has been APPROVED. You will be expected to pay TAMPA HEALTH CARE CTR $520.00. You may keep $35.00 of your income for your personal needs.
The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID APPLICATION dated 01/08/96 has been APPROVED for 01/01/96 through 01/31/96. You will be expected to pay TAMPA HEALTH CARE CTR $520.00. You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID APPLICATION dated 01/08/96 has been APPROVED for 12/01/95 through 12/31/95. You will be expected to pay TAMPA HEALTH CARE CTR $506.00. You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

JAC-001-000224

Continued on page 2

AE01

0028719

JOSEPHINE A COSIO	01/18/1996 1052117201

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID
APPLICATION dated 01/08/96 has been APPROVED for 11/01/95
through 11/30/95. You will be expected to pay TAMPA HEALTH CARE CTR $506.00.
You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID
APPLICATION dated 01/08/96 has been APPROVED for 10/01/95
through 10/31/95. You will be expected to pay TAMPA HEALTH CARE CTR $506.00.
You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID
APPLICATION dated 01/17/96 has been APPROVED for 04/01/95
through 04/30/95. You will be expected to pay $506.00.
You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID
APPLICATION dated 01/17/96 has been APPROVED for 05/01/95
through 05/31/95. You will be expected to pay $506.00.
You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

JAC-001-000225

Continued on page 3

DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

JOSEPHINE A COSIO	01/18/1996 1052117201

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID
APPLICATION dated 01/17/96 has been APPROVED for 06/01/95
through 06/30/95. You will be expected to pay $506.00.
You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID
APPLICATION dated 01/17/96 has been APPROVED for 07/01/95
through 07/31/95. You will be expected to pay $506.00.
You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID
APPLICATION dated 01/17/96 has been APPROVED for 08/01/95
through 08/31/95. You will be expected to pay $506.00.
You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE)

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

A7
1052117201 MI M 01

Your INSTITUTIONAL CARE PROGRAM AND MEDICAID
APPLICATION dated 01/17/96 has been APPROVED for 09/01/95
through 09/30/95. You will be expected to pay $506.00.
You may keep $35.00 of your income for your personal needs.

The following individuals are members of this assistance group:

JOSEP C (ELIGIBLE

Reason: ALL ELIGIBILITY REQUIREMENTS HAVE BEEN MET

JAC-001-000226

If you think that this action is incorrect, your worker or your worker's supervisor will be glad to discuss it with you. You also have the right to ask for a hearing before a state hearings officer. If you want a hearing, you must ask for the hearing within 90 days from the mailing date at the top of this notice. You can bring with you or be represented at the hearing by anyone you choose, such as a

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JOSEPHINE A COSIO	01/18/1996 1052117201

lawyer, relative or friend. You can ask for a hearing by writing, calling or coming into the office. If you need information about how to get free legal advice, contact your worker. If you receive food stamps you can also call toll free 1-800-342-9274 for a listing of free legal organizations in your area.

We will consider your eligibility for assistance without regard to race, color, sex, age, disability, religion, national origin, political belief, or marital status.

You must report changes in your household's circumstances within 10 days.

JAC-001-000227